

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

UNITED STATES DEPARTMENT OF JUSTICE, IMMIGRATION AND NATURALIZATION SERVICE, Complainant,)	
)	
)	8 U.S.C. 1324a Proceeding
)	
vs.)	Case No. 97A00022
)	
Atlantic Video, Inc.,)	
a Kansas Corporation,)	
d/b/a Ziegfields,)	
Respondent.)	
)	

DECISION AND ORDER OF THE ADMINISTRATIVE LAW JUDGE

ADMINISTRATIVE LAW JUDGE: ROBERT L. BARTON, JR.

Appearances: Karl V. Cozad, Assistant District Counsel, for the
Immigration and Naturalization Service

James L. Pinkerton, Esq.
Attorney for Respondent

DISCUSSION AND DECISION

This proceeding was initiated before the Office of the Chief Administrative Hearing Officer by the filing of a Complaint Regarding Unlawful Employment, by the United States of America, through its agency the Immigration and Naturalization Service (Complainant) against Atlantic Video, Inc., a Kansas Corporation d/b/a Ziegfields. The Complaint, as amended to remove Count I, alleges five (5) failures to comply with the statutory employment verification procedures of the Immigration and Nationality Act (Act), 8 U.S.C. 1324a.

By a document in the form of a Settlement Agreement, pursuant to 28 C.F.R. 68.14, which Settlement Agreement is incorporated herein by reference as if fully set out, the parties have tendered an agreed disposition which forms the basis of this Decision and Order.

FINDINGS OF FACT

Based on the Settlement Agreement filed herewith, the allegations contained in Counts II and III of the Notice of Intent to Fine and Complaint, filed previously herein and modified by the Service's dismissal of Count I, are accepted as true.

CONCLUSIONS OF LAW

The parties having stipulated that an Order assessing fines shall be entered on the two remaining Counts contained within the Notice of Intent to Fine and Complaint, filed previously herein, and having tendered the Settlement Agreement as reflected in this Decision and Order, it is concluded that the Settlement Agreement is fair and satisfactory, within the contemplation of 28 C.F.R. 68.14, and there is no reason not to accept it.

On the basis of the Settlement Agreement, including the findings of fact above, it is concluded that the Respondent has violated 8 U.S.C. 1324a (a)(1)(B), Section 274A (a)(1)(B) of the Immigration and Nationality Act, in that Respondent failed to comply with the verification requirements of the Immigration Reform and Control Act of 1986.

ACCORDINGLY, IT IS HEREBY ORDERED:

1. That the Respondent pay a civil money penalty in the sum of EIGHT HUNDRED DOLLARS (\$800.00) for the violations set out in Counts II and III of the Notice of Intent to Fine and Complaint, as modified by the parties Settlement Agreement.
2. That each party bear its own attorney fees, other expenses and costs incurred by such party in connection with any stage of these proceedings.
3. That this Decision and Order shall have the same force and effect as a Decision and Order made after a full administrative hearing.
4. That the entire record on which this Decision and Order shall be based shall consist solely of the Complaint, the order of reference, and the Settlement Agreement.
5. That the parties hereto have waived any further procedural steps before the Administrative Law Judge and OCAHO.

6. That the parties hereto have waived any right to challenge or contest the validity of this Decision and Order in accordance with the Settlement Agreement.

7. That any hearing previously scheduled is hereby canceled.

8. That as provided in 28 C.F.R. Part 68, this Decision and Order shall become the Order of the Attorney General unless within thirty (30) days from this date the Chief Administrative Hearing Officer shall have modified or vacated it.

SO ORDERED.

Dated this 15th day of January, 1997.

ROBERT L. BARTON, JR.
Administrative Law Judge

Approved as to form:

KARL V. COZAD
Assistant District Counsel

JAMES L. PINKERTON, Esq.
Attorney for Respondent